

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

IN RE:

Case No. 6:14-bk-02715-CCJ
Chapter 13

WILLIAM S. HIMMELSTOSS,

Debtor.

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**LOANCARE SERVICING CENTER, INC. AS SERVICER FOR FREEDOM
MORTGAGE CORPORATION'S OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN**

COMES NOW, LoanCare Servicing Center, Inc. as Servicer for Freedom Mortgage Corporation (“Secured Creditor”), by and through its undersigned counsel, as and for its Objection to Confirmation of Debtor’s Chapter 13 Plan, and in support states as follows:

1. Secured Creditor holds a First mortgage position on Debtor’s real property located at 1037 Nash Drive, Celebration, FL 34747, by virtue of a Mortgage which is recorded in the Public Records of Osceola County, FL in Book 4269 at Page 2673.

2. The Chapter 13 Plan [d.e. #6] proposed by Debtor on March 14, 2014, includes payments toward the mortgage account with Secured Creditor (listed in the Plan as Freedom Mortgage). However, the figures used by Debtor are inaccurate.

3. The correct pre-petition arrearage due Secured Creditor is \$34,423.11, whereas Debtor’s plan proposes to pay \$0.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §1322(b)(3) and 11 U.S.C. §1325(a)(5) and cannot be confirmed.

4. The regular monthly payment which is due on the subject Mortgage should be \$1,690.19, not \$1,799.45 as indicated in Debtor’s proposed Plan. Furthermore, the monthly payment is subject to periodic adjustments for escrow and/or for variable interest rates and, therefore, must be amended during the pendency of the plan in accordance with the loan documents.

5. Accordingly Secured Creditor objects to Debtor’s proposed Plan and to any plan which proposes to pay anything less than \$34,423.11 as the pre-petition arrearage over the life of the plan, does not appropriately provide for the correct regular monthly mortgage payment.

WHEREFORE, Secured Creditor respectfully requests the entry of an order which denies confirmation of the proposed Chapter 13 Plan unless it is amended to overcome Secured Creditor's stated objections, and for such further relief as the Court may deem just and proper.

Respectfully Submitted:

/s/ Alice Blanco
Alice Blanco
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objection to Confirmation of Chapter 13 Plan was served electronically or via U.S. Mail, first-class postage prepaid, to:

William S. Himmelstoss
1037 Nash Drive
Celebration, FL 34747

Laurie K. Weatherford
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Dated: May 9, 2014

/s/ Alice Blanco
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